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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

:

Hon. Freda Wolfson

v

:

Criminal No. 08-83001

MICHAEL MALAVE

:

**CONSENT JUDGMENT AND
PRELIMINARY ORDER OF
FORFEITURE**

WHEREAS, on November 7, 2008, the United States filed a one-count Information against Michael Malave, charging him with violations of Title 18, United States Code, Section 201(b)(2)(A) and (C); and

WHEREAS, on November 7, 2008, Michael Malave pled guilty to the one-count Information; and

WHEREAS, pursuant to his plea agreement, Michael Malave agreed to forfeit \$2,000 in United States currency pursuant to Title 18, United States Code, Section 981(a)(1)(C) and 28, United States Code, Section 2461(c) for violations of Title 18, United States Code, Section 201(b)(2)(A) and (C); and

WHEREAS, The amount of \$460 in United States currency was seized by the Department of Justice, Office of Inspector General, on September 23, 2008; and

WHEREAS, the parties agree that the balance of the funds totaling \$1,540 shall be paid by Michael Malave to the United States Marshal's Asset Forfeiture Fund prior to sentencing; and

WHEREAS, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, the Court in imposing sentence on a person convicted of an offense in violation of Title 18, United States Code, Section 201(b)(2)(A) and (C) shall order that person to forfeit to the United States any property, real or personal, involved in such offense, and any property traceable to such property; and

WHEREAS, by virtue of the above, the United States is now entitled to possession of the \$2,000 in United States currency.

It is hereby **ORDERED, ADJUDGED AND DECREED:**

THAT the herein described asset, namely \$2,000 in United States currency is hereby forfeited to the United States of America for disposition in accordance with the law subject to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461; and

THAT the aforementioned forfeited properties are to be held by the United States Marshal Service in their secure custody and control; and

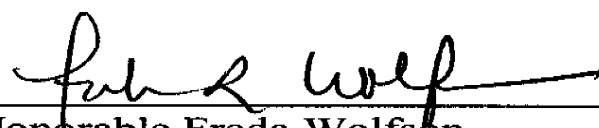
THAT Any person claiming an interest in, or right against, the property must file a Claim under penalty of perjury identifying the specific property claimed, identifying the claimant and stating the claimant's interest in the property in the manner set forth in Rule G(5) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, Federal Rules of Civil Procedure and 18 U.S.C. § 983(a)(4)(A), except that in no event may such Claim be filed later than October 10, 2008, or, as applicable, no later than 60 days after the first day of publication on the official internet government forfeiture website at <http://forfeiture.gov>. In

addition, any person having filed such a Claim must also file an answer to the complaint not later than 20 days after the filing of the Claim.

THAT the United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of this Preliminary Forfeiture Order, as a substitute for published notice as to those person so notified; and

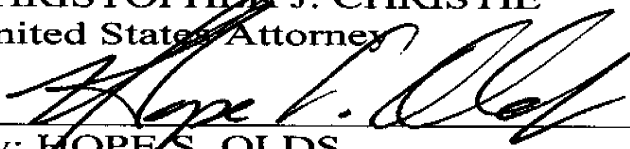
THAT upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n) as incorporated by Title 28, United States Code, Section 2461 in which all interests will be addressed.

ORDERED this 7th day of November 2008

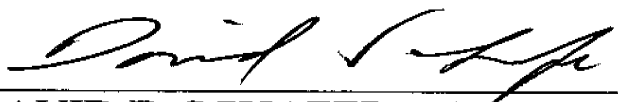

Honorable Freda Wolfson
United States District Court Judge

The Undersigned hereby
consent to the entry and
form of this order:

CHRISTOPHER J. CHRISTIE
United States Attorney


By: HOPE S. OLDS
Assistant United States Attorney

Dated: 11/7/08


DAVID E. SCHAFER, ESQ.
Attorney for Defendant
Michael Malave

Dated: 11/7/08